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### REMARKS

This response is intended as a full and complete response to the final Office Action mailed March 7, 2007. In the Office Action, the Examiner notes that claims 1-23 are pending and rejected.

In view of the following discussion, Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

### REJECTIONS

#### 35 U.S.C. §103 Rejection of Claims 22 and 23

The Examiner has rejected claims 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,477,262 to Banker et al. (hereinafter "Banker") in view of U.S. Patent 5,404,393 to Remillard (hereinafter "Remillard"), U.S. Patent 4,975,771 to Kassatly (hereinafter "Kassatly") and U.S. Patent 5,467,144 to Saeger (hereinafter "Saeger." Applicant respectfully traverses the rejection.

Claim 22 recites:

22. An interactive electronic program guide for controlling display of content on a television associated with a set top terminal, the guide comprising:

- a plurality of interactive menus, each corresponding to a level of interactivity and having one or more interactive menu items for selection;
- a main menu having one or more main menu items for selection, which main menu items correspond to the interactive menus;

- a mask to mask portions of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques and a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal, wherein the first graphic is adjusted to cover undesired portions of the digitally compressed video; and

- a cursor highlight overlay to indicate the position of a cursor on at

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least one of the menus, wherein the cursor highlight overlay is movable in response to pressing of cursor movement buttons by a user, and wherein a second graphic representing the cursor highlight overlay is stored in a second graphics file in the memory of the set top terminal,

wherein the cursor highlight overlay is displayed over the at least one of the menus which is displayed over the mask, and

wherein the menus are navigated using a user input, and wherein the main menu items and the interactive menu items are responsive to selection signals received from the user input. (Emphasis added).

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Banker, Remillard, Kassatly and Saeger references alone or in combination fail to teach or suggest Applicant's invention as a whole.

Specifically, Banker fails to teach or suggest at least "a mask to mask portions of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques and a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal, wherein the first graphic is adjusted to cover undesired portions of the digitally compressed video" as recited in independent claim 22.

First, the Applicants respectfully submit that Banker does not teach or suggest the limitation of "a mask to mask portions of a digitally compressed video". Banker teaches that there are two modes of on-screen display. The first mode is a plain background mode and the second mode is an overlay mode. (See Banker, col. 12, l. 62 – col. 13, l. 12.) Banker specifically teaches that the on-screen display are characters and not a mask as taught by the Applicants' invention. (See *Id.*, emphasis added.) This is supported further by the Figures illustrated in Banker showing the characters on a solid background. (See Banker, FIGs. 13A – 19E.)

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The Applicants recognize that the Examiner is permitted to interpret the reference broadly. Therefore, even if the Examiner is interpreting the characters used as an overlay as being equivalent to the mask taught by the Applicants' invention, Banker still fails to teach or suggest that only portions of the video are masked. The Examiner asserts that the background mode covering every portion of video reads on the above limitation. (See Final Office Action, p. 3, I. 2-4.) However, the Applicants' respectfully submit that one skilled in the art will recognize that "portions" is defined as something less than the entire video. For example, dictionary.com defines "portion" as being "a part of any whole." (See dictionary.com.) Consequently, a background mode covering every portion of video would no longer be a "portion," but rather the entire video. Therefore, a background mode covering every portion of video cannot be equivalent to only masking portions of the video, as taught by the Applicants' invention.

Remillard fails to bridge the substantial gap between Banker and Applicants' invention. In particular, Remillard discloses an electronic device that provides for windowed display of the menu (overlaying the interaction menus on a portion of a convention television broadcast, for example) and construction of a viewing profile, among other things." (column. 5, lines 56-61). Remillard is silent with respect to a mask as claimed.

Furthermore, Banker and Remillard fail to teach or suggest wherein the video comprises digitally compressed plurality of video clips which are transmitted simultaneously on a single channel using split screen video. The Examiner concedes this in the Office Action. (See Final Office Action, p. 3, II. 16-20.) However, the Examiner alleges that Kassatly and Saeger bridge the substantial gap left by the Applicants' invention.

Kassatly and Saeger fail to bridge the substantial gap left by Banker and Remillard because Kassatly and Saeger cannot be meaningfully combined. Kassatly and Saeger cannot be meaningfully combined because Kassatly teaches away from Saeger. Specifically, Kassatly teaches that multiplexed signals are transmitted in a packet form to a reception unit. (See Kassatly, col. 2, II. 40-44.) When a desired channel is selected, only the signals of that selected channel are decompressed.

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reconstructed and displayed. (See *Id.* at ll. 45-59, emphasis added.) If the particular channel has not been selected, then the stored signals for that particular channel are automatically erased in preparation for storage of the next signals. (See *Id.*, emphasis added.)

The Applicants respectfully submit that Kassatly cannot be modified using the teachings of Saeger that would teach the limitation of wherein the video comprises digitally compressed plurality of video clips which are transmitted simultaneously on a single channel using split screen video. Kassatly explicitly teaches that only the selected channel of the multiplexed signals are decompressed, reconstructed and displayed and that the remaining signals are erased. Therefore, Kassatly does not teach the ability to use the simultaneously transmitted video signals for use in split screen video because split screen video requires the display of at least two video signals. Therefore, Kassatly and Saeger cannot be meaningfully combined.

Furthermore, Kassatly and Saeger also fail to bridge the substantial gap left by Banker and Remillard because Kassatly and Saeger also fail to teach or suggest a mask to mask portions of a digitally compressed video. Therefore, the combination of Banker, Remillard, Kassatly and Saeger fail to render obvious Applicants' independent claim 22.

As such, claim 22 is patentable over Banker in view of Remillard, Kassatly and Saeger under 35 U.S.C. §103(a). Claim 23 contains substantially similar relevant limitations as discussed above in regards to claim 22. Accordingly, Applicants submit that claim 23 also is patentable under 35 U.S.C. §103(a) over Banker in view of Remillard, Kassatly and Saeger. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 8-21**

The Examiner has rejected claims 8-21 under 35 U.S.C. §103(a) as being unpatentable over Banker in view of U.S. Patent 5,539,871 to Gibson (hereinafter "Gibson"), Remillard, Kassatly and Saeger. Applicants respectfully traverse the rejection.

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Applicants' independent claim 8 recites:

8. (previously presented) A interactive menu system for display on a television in conjunction with television programming and a set top terminal, the menu system comprising:

a logo that is displayed on a television during a program having one or more interactive features;

a plurality of menus including an overlay menu that is displayed during the program, the overlay menu including the interactive features;

a mask to mask portions of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques and a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal, wherein the first graphic is adjusted to cover undesired portions of the digitally compressed video; and

a cursor highlight overlay to indicate the position of a cursor on at least one of the menus, wherein the cursor highlight overlay is movable in response to pressing of cursor movement buttons by a user, and wherein a second graphic representing the cursor highlight overlay is stored in a second graphics file in the memory of the set top terminal,

wherein the cursor highlight overlay is displayed over the at least one of the menus which is displayed over the mask, and

wherein the logo indicates to a user that the interactive features are available for the program, and wherein the overlay menu is displayed in response to a signal received from a user input. (Emphasis added.)

For at least the reasons discussed above, Banker, Remillard, Kassatly and Saeger alone or in combination fail to teach or suggest Applicants' invention as a whole. Gibson fails to bridge the substantial gap between Banker, Remillard, Kassatly and Saeger and Applicants' invention.

Specifically, Gibson also fails to teach or suggest at least "a mask to mask portions of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques and a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal, wherein the first graphic is adjusted to cover undesired portions of the digitally compressed video" as recited in claim 8.

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Gibson discloses a "method and system in a data processing system for selectively associating stored data with an animated element within a multimedia presentation in a data processing system" (abstract). However, Gibson does not teach or suggest at least a mask to cover undesired video clips of a video. In addition, Gibson also fails to teach or to suggest wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques.

As such, Applicants' independent claim 8 is patentable under 35 U.S.C. §103(a) over Banker in view of Gibson, Remillard, Kassatly and Saeger. Furthermore, claims 9-21 depend, directly or indirectly from independent claim 8, while adding additional elements. Therefore, 9-21 also are non-obvious and patentable under 35 U.S.C. §103(a) over Banker in view of Gibson, Remillard, Kassatly and Saeger for at least the same reasons that claim 8 is patentable over Banker in view of Gibson, Remillard, Kassatly and Saeger under §103. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 1 and 7**

The Examiner has rejected claims 1 and 7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,410,326 to Goldstein in view of Banker, Remillard, Kassatly and Saeger under 35 U.S.C. §103(a). Applicants respectfully traverse the rejection.

Applicants' claim 1 recites:

1. An interactive electronic program guide for display on a television for use with a television delivery system comprising a set top terminal, the guide comprising:
  - a home menu;
  - a plurality of major menus displayed as menu options on the home menu;
  - a plurality of sub-menus displayed as menu options on the plurality of major menus;
  - a plurality of during programming menus enacted after selection of a program;
  - a mask to mask portions of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally

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compressed video clips sent simultaneously on a single channel using split screen video techniques and a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal, wherein the first graphic is adjusted to cover undesired portions of the digitally compressed video; and

a cursor highlight overlay to indicate the position of a cursor on at least one of the menus, wherein the cursor highlight overlay is movable in response to pressing of cursor movement buttons by a user, and wherein a second graphic representing the cursor highlight overlay is stored in a second graphics file in the memory of the set top terminal,

wherein the cursor highlight overlay is displayed over the at least one of the menus which is displayed over the mask. (Emphasis added).

For at least the reasons discussed above, Banker, Remillard, Kassatly and Saeger alone or in combination fail to teach or suggest Applicants' invention as a whole. Goldstein fails to bridge the substantial gap between Banker, Remillard, Kassatly and Saeger and Applicants' invention as claimed in claim 1.

Specifically, Goldstein also fails to teach or suggest at least "a mask to mask portions of a digitally compressed video, wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques and a first graphic representing the mask is stored in a first graphics file in a memory of the set top terminal, wherein the first graphic is adjusted to cover undesired portions of the digitally compressed video" as recited in the claim.

The Goldstein reference discloses a "universal remote control device which is programmed to operate a variety of consumer products" (Abstract). However, Goldstein does not teach or suggest a mask to mask a video. Furthermore, Goldstein fails to teach or to suggest wherein the digitally compressed video comprising a plurality of digitally compressed video clips sent simultaneously on a single channel using split screen video techniques.

As such, Applicants' independent claim 1 is patentable under 35 U.S.C. §103(a) over Goldstein in view of Banker, Remillard, Kassatly and Saeger. Furthermore, claim 7 depends directly from independent claim 1, while adding additional elements. Therefore, claim 7 also is patentable under 35 U.S.C. §103 over Goldstein in view of

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Banker, Remillard, Kassatly and Saeger for at least the same reasons that claim 1 is patentable under 35 U.S.C. §103 over Goldstein in view of Banker, Remillard, Kassatly and Saeger. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 2-6**

The Examiner has rejected claims 2-6 under 35 U.S.C. §103(a) as being unpatentable over Goldstein, Banker, Remillard, Kassatly and Saeger, as applied to claim 1 above, and further in view of U.S. Patent 5,047,867 to Strubbe et al. (hereinafter "Strubbe"). Applicants respectfully traverse the rejection.

Each of the grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §103 for the corresponding independent claims. Since the rejection of the corresponding independent claims under 35 U.S.C. §103 has been overcome, as described hereinabove, and there is no argument put forth by the Office that any other additional references supply that which is missing from Goldstein, Banker, Remillard, Kassatly and Saeger to render the independent claims unpatentable, these grounds of rejection cannot be maintained. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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Thus, Applicants submit that claims 1-23 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 4/30/07  
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